

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 3. This sheet, which includes Fig.3, replaces the original sheet including Fig.3.

Another attached sheet of drawings includes changes to Fig. 36. This sheet, which includes Fig.36, replaces the original sheet including Fig.36.

Attachment: Two Replacement Sheets

REMARKS

Claims 1 to 48 were pending in the application at the time of examination. The rejection objected to the drawings, the specification, and Claims 3 to 6, 14 to 17, 25 to 28, 36 to 39, 45 and 48. Claims 1 to 48 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 23 to 33 and 41 to 48 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Claims 1, 2, 4 to 6, 8, 9, 11 to 13, 15 to 17, 19, 20, 22 to 24, 26 to 28, 30, 31, 33 to 35, 37 to 39, 41, 42 and 44 to 48 stand rejected as anticipated. Claims 3, 7, 10, 11, 14, 18, 21, 23, 25, 29, 32, 36, 40, and 43 stand rejected as obvious.

Objections to the Drawings

The drawings were objected to because reference number 495 in paragraph [0043] was not shown in the drawings. Applicant respectfully notes that in Fig. 4, the virtual machine identifier is not shown as a separate element. Accordingly, reference numeral 495 was deleted in paragraph [0043] to obtain correspondence between the drawings and the specification. Applicant respectfully requests reconsideration and withdrawal of this objection to the drawings.

Figure 1 was objected to because reference numerals 102 (Assumed to mean "120"), 115, and 140 were not mentioned in the description. Applicant has amended paragraph [0009] of the description to include reference numerals 120, 115, and 140 for the elements corresponding to those in Fig. 1. Thus, the amendment to the description obtains correspondence between the description and Fig. 1. Applicant respectfully requests reconsideration and withdrawal of the objection to Fig. 1.

Figure 3 was objected to because reference numerals 325, 330, 335, 340, and 370 were not mentioned in the description. Applicant has amended paragraphs [0035] and

[0039] of the description to include reference numerals 325, 330, 335, 340, and 370 for the elements corresponding to those in Fig. 3. With respect to reference numeral 325, the structure depicted in Fig. 3 was described in the description. Thus, the amendments to the description obtain correspondence between the description and Fig. 3. Applicant respectfully requests reconsideration and withdrawal of the objection to Fig. 3.

Figure 4 was objected to because reference numerals 430, 435, 440, and 470 were not mentioned in the description. Applicant has amended paragraph [0043] of the description to include reference numerals 430, 435, 440, and 470 for the elements having those reference numerals in Fig. 4. In particular, a description was added based on the elements in Fig. 4 and the corresponding description for Fig. 3. Thus, the amendments to the description obtain correspondence between the description and Fig. 4 and do not constitute new matter. Applicant respectfully requests reconsideration and withdrawal of the objection to Fig. 4.

Figure 5 was objected to because reference numeral 550 was not mentioned in the description. Applicant has amended paragraph [0052] of the description to include reference numeral 550 for the element having that reference numeral in Fig. 5. In particular, a description was added based on the element in Fig. 5. Thus, the amendment to the description obtains correspondence between the description and Fig. 5 and does not constitute new matter. Applicant respectfully requests reconsideration and withdrawal of the objection to Fig. 5.

Figure 31 was objected to because reference numerals 3110 and 3114 were not mentioned in the description. Applicant has amended paragraph [0106] and [0108] to correct typographical errors in the reference numerals so that reference numeral 3110 is included in the description and reference numeral 3114 is deleted. Thus, the amendments to the description obtain correspondence between the description and Fig. 31 and do not constitute

new matter. Applicant respectfully requests reconsideration and withdrawal of the objection to Fig. 31.

Figure 32 was objected to because reference numerals 3200, 3220 and 3250 were not mentioned in the description. Applicant has amended paragraph [0113] of the description to include reference numerals 3220 and 3250 for the elements having those reference numerals in Fig. 32. Applicant respectfully notes that reference numeral 3200 appears in the first line of paragraph [0113]. The amendments to the description obtain correspondence between the description and Fig. 32 and do not constitute new matter. Applicant respectfully requests reconsideration and withdrawal of the objection to Fig. 32.

Figure 36 was objected to because reference numerals 3610 and 3615 were not mentioned in the description. Applicant has submitted a replacement sheet for Fig. 36 in which reference numerals 3610 and 3615 have been removed. Fig. 36 does not include any information about these reference numerals and elements do not appear in the description that could be associated with these reference numerals. Thus, these reference numerals appear extraneous and so were deleted. Applicant respectfully requests reconsideration and withdrawal of the objection to Fig. 36 and entry of the replacement sheet with Fig. 36.

With respect to element 315 in Fig. 3, Applicant has provided a replacement sheet with the correction noted by the Examiner. Applicant respectfully requests reconsideration and withdrawal of the objection to Fig. 3 and entry of the replacement sheet with Fig. 3.

Objections to the Specification

Applicant has amended paragraphs [0001] to [0005] to remove the Attorney Docket Numbers and to properly reflect the status of the U.S. Patent Applications cited therein. Applicant respectfully requests reconsideration and withdrawal of the objection to paragraphs [0001] to [0005].

Applicant has amended paragraph [0036] as suggested by the Examiner. Applicant respectfully requests reconsideration and withdrawal of the objection to paragraph [0036].

Applicant has amended paragraph [0040] as suggested by the Examiner. Applicant respectfully requests reconsideration and withdrawal of the objection to paragraph [0040].

Applicant has amended paragraph [0051] as suggested by the Examiner. Applicant respectfully requests reconsideration and withdrawal of the objection to paragraph [0051].

Applicant has amended paragraph [0085] as suggested by the Examiner. Applicant respectfully requests reconsideration and withdrawal of the objection to paragraph [0085].

Applicant has amended paragraph [0086] as suggested by the Examiner. Applicant respectfully requests reconsideration and withdrawal of the objection to paragraph [0086].

Applicant has amended paragraph [0094] as suggested by the Examiner. Applicant respectfully requests reconsideration and withdrawal of the objection to paragraph [0094].

Applicant has amended paragraph [0096] as suggested by the Examiner. Applicant respectfully requests reconsideration and withdrawal of the objection to paragraph [0096].

Applicant has amended paragraph [0098] as suggested by the Examiner. Applicant respectfully requests reconsideration and withdrawal of the objection to paragraph [0098].

Applicant has amended paragraph [0101] as suggested by the Examiner. Applicant respectfully requests reconsideration and withdrawal of the objection to paragraph [0101].

Applicant has amended paragraph [0125] as suggested by the Examiner. Applicant respectfully requests reconsideration and withdrawal of the objection to paragraph [0125].

Objections to the Claims

Claims 3 to 6, 14 to 17, 25 to 28, 36 to 39, 45 and 48 stand objected to for informalities. Applicant has amended each of the claims as suggested by the Examiner. Applicant respectfully requests reconsideration and withdrawal of the objection to each of Claims 3 to 6, 14 to 17, 25 to 28, 36 to 39, 45 and 48.

Claim Rejections under 35 U.S.C. § 112.

Claims 1 to 48 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 1, 4, 7 to 9, 12, 15, 18 to 20, 23, 26, 29 to 31, 34, 37, 40 to 42, 45 and 48 stand rejected for reciting "at least in part." Applicant respectfully notes that in claim interpretation the ordinary interpretation is to be used unless Applicant provided a specific definition. The phrase "at least in part" clearly means the recited element at least partly depends on the recited feature. This would be clear to one of skill in the art in reading the specification, but nevertheless to move prosecution forward, "in part" has been deleted from each of these claims. Applicant respectfully requests reconsideration and withdrawal of the § 112, second paragraph rejection of each of Claims 1, 4, 7 to 9, 12, 15, 18 to 20, 23, 26, 29 to 31, 34, 37, 40 to 42, 45 and 48.

Claims 2, 13, 24 and 25 stand rejected under 35 U.S.C. § 112, second paragraph for lacking a clear antecedent basis for "said receiving." Applicant has amended each of these claims as suggested by the Examiner. Applicant respectfully requests reconsideration and withdrawal of the § 112, second paragraph rejection of each of Claims 2, 13, 24 and 25.

Claims 4, 15, 26, and 37 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite based on the use of "largest." Applicant has deleted "largest" from each of these claims and has also amended each claim to remove an antecedent basis informality. Applicant respectfully requests reconsideration and withdrawal of the § 112, second paragraph rejection of each of Claims 4, 15, 26, and 37.

Claims 8, 9, 11, 19, 20, 22, 30, 31, 33, 41, 42, and 44 stand rejected under 35 U.S.C. § 112, second paragraph for reciting "said application program code," which is said to lack a proper antecedent basis. Applicant respectfully traverses the 112, second paragraph rejection of each of Claims 8, 9, 11, 19, 20, 22, 30, 31, 33, 41, 42, and 44. Using Claim 8, as an example, Claim 8 recites:

transforming said application program into
application program code

Thus, the application program is the transformed to obtain the application program code. Accordingly, "said application program code" has a clear and unambiguous antecedent basis. The reading of the claim proposed in the rejection is improper because the application program code, based on the plain meaning of the claim, is not transformed.

It is the application program that is transformed and the result of that transformation is the application program code as expressly defined in the claim. Applicant respectfully requests reconsideration and withdrawal of the § 112, second paragraph rejection of each of Claims 8, 9, 11, 19, 20, 22, 30, 31, 33, 41, 42, and 44.

Applicant has amended each of Claims 1, 12, 23 and 34 to further clarify that which was implicit in these claims when the claims were read in view of the description, i.e., the structure of the dispatch table.

Applicant has amended each of Claims 9, 19, 30, 41, 45 and 48 to further clarify that which also was implicit in

these claims when the claims were read in view of the description, i.e., the selection of a dispatch table.

35 U.S.C. § 101 Rejections

Claims 23 to 33 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. The rejection concludes that these claims are directed at software per se.

Applicant respectfully traverses the § 101 rejection of Claims 22 to 33. Applicant notes that Claims 22 to 33 are means plus functions claims that require a specific level of analysis in the claim interpretation, as put forth in the MPEP. Further, software alone cannot accomplish anything and so interpreting the claims as software ignores explicit claim limitations and indicates that the claims were considered in a vacuum and not as required by the MPEP. Applicant points out the following facts to maintain the issues for appeal should that be necessary. First, with respect to claim interpretation in general, the MPEP requires:

*>USPTO< personnel must first determine the scope of a claim by thoroughly analyzing the language of the claim before determining if the claim complies with each statutory requirement for patentability. (Emphasis in original.)

MPEP § 2106, 8th Ed., Rev. 5, p 2100-6 (August 2006).

The MPEP further requires:

>USPTO< personnel are to correlate each claim limitation to all portions of the disclosure that describe the claim limitation. This is to be done in all cases>, regardless of whether< the claimed invention is defined using means or step plus function language. The correlation step will ensure that *>USPTO< personnel correctly interpret each claim limitation.

The subject matter of a properly construed claim is defined by the terms that limit its scope. (Emphasis added.)

MPEP § 2106, 8th Ed., Rev. 5, p 2100-7, (August 2006).

Applicant respectfully notes that in view of this correlation of elements, the Examiner is permitted to interpret the claims broadly. However, the MPEP and the courts put specific limitations on the breadth of such an interpretation. Specifically,

**CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE
INTERPRETATION**

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." (Emphasis Added.)

MPEP § 2111 8th Ed. Rev. 5, p 2100-37 (August 2006).

With respect to means plus function claims, the MPEP is even more specific as what must be done in the claim interpretation:

**>Where means plus function language is used to define the characteristics of a machine or manufacture invention, such language must be interpreted to read on only the structures or materials disclosed in the specification and "equivalents thereof" that correspond to the recited function. (Emphasis Added).

MPEP § 2106, 8th Ed., Rev. 5, p 2100-7, (August 2006).

The specification explicitly provides in part:

[0015] In accordance with one embodiment of the present invention, the components, process steps, and/or data structures may be implemented using various types of operating systems (OS), computing platforms, firmware, computer application programs, computer languages, and/or general-purpose machines. The method can be run as an application programmed process running on processing circuitry. The processing circuitry can take the form of numerous combinations of processors and operating systems, or a stand-alone device. The process can be implemented as instructions executed by such hardware, hardware alone, or any combination thereof. The software may be stored on an application program storage device readable by a machine.

[0016] In addition, those of ordinary skill in the art will recognize that devices of a less general purpose nature, such as hardwired devices, field application programmable logic devices (FPLDs), including field application programmable gate arrays (FPGAs) and complex application programmable logic devices (CPLDs),

application specific integrated circuits (ASICs), or the like, may also be used without departing from the scope and spirit of the inventive concepts disclosed herein.

[0032] Figure 2 depicts a block diagram of a computer system 200 suitable for implementing aspects of the present invention. As shown in FIG. 2, system 200 includes a bus 202 which interconnects major subsystems such as a processor 204, an internal memory 206 (such as a RAM), an input/output (I/O) controller 208, a removable memory (such as a memory card), an external device such as a display screen 210 via display adapter 212, a roller-type input device 214, a joystick 216, a numeric keyboard 218, an alphanumeric keyboard 218, directional navigation pad 226 and a wireless interface 220. Many other devices can be connected. Wireless network interface 220, wired network interface 228, or both, may be used to interface to a local or wide area network (such as the Internet) using any network interface system known to those skilled in the art.

[0033] Many other devices or subsystems (not shown) may be connected in a similar manner. Also, it is not necessary for all of the devices shown in FIG. 2 to be present to practice the present invention. Furthermore, the devices and subsystems may be interconnected in different ways from that shown in FIG. 2. Code to implement the present invention may be operably disposed in internal memory 206 or stored on storage media such as removable memory 222, a floppy disk or a CD-ROM.

Clearly, the claims were not read in view of the requirements of the MPEP and at least the above description, because to conclude that the claims recite software per se not only ignores the claim language, e.g., software per se cannot receive anything, it is inanimate, but also the above description and the requirements of the MPEP. Further, the rejection picks and chooses elements from the description and apparently ignored the description that demonstrated that the rejection is not well founded. Nevertheless, in view of at least the above description, Claim 23 to 33 have been amended to include a processor and a memory. Applicant respectfully requests reconsideration and withdrawal of the § 101 rejection of each of Claims 23 to 33.

Claims 41 to 44 and 45 to 48 also stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter.

The rejection concludes that Claims 41 to 44 are directed at software per se and that Claims 45 to 48 are not directed to a tangible result.

Applicant respectfully traverses the § 101 rejection of Claims 41 to 44 and Claims 45 to 48. The above comments with respect to claim interpretation and Claims 23 to 33 are applicable, with the exception of the comments on means plus function, and so are incorporated herein by reference. In view of at least the above quoted portions of the description, Claim 41 to 44 and 45 to 48 have been amended to include a processor and a memory. Applicant respectfully requests reconsideration and withdrawal of the § 101 rejection of each of Claims 41 to 44 and 45 to 48.

§ 102 Rejections

Claims 1, 2, 4 to 6, 8, 9, 11 to 13, 15 to 17, 19, 20, 22 to 24, 26 to 28, 30, 31, 33 to 35, 37 to 39, 41, 42 and 44 to 48 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,334,189 hereinafter referred to as Granger.

The rejection stated in part:

selecting an instruction dispatch table based at least in part on said current instruction counter value (see Column 17: 22-30, "As the sequence of tokens for a given line is read, the token reader matches the opcode to the corresponding instruction in the internal data structure to determine the instruction format and sign information. The token reader then parses the tokens, and maps the tokens (using the mapping macros) into the 32-bit pseudocode instruction. The pseudocode instruction is then written (in unencrypted form) to an instruction list which eventually becomes part of the ECODE data block."

Applicant respectfully traverses the anticipation rejection of each of Claims 1, 8, 12, 19, 23, 30, 34, 41, 45 and 48.

As an example, Claim 1 recites in part:

selecting an instruction dispatch table based at least on said current instruction counter value

and Claim 8 recites in part:

during application program execution to determine the location of instruction implementation methods to be executed based at least on using a current instruction counter value to select a dispatch table in said plurality of dispatch tables for use with an application program instruction corresponding to said current instruction counter value

In each instance, a current value of an instruction counter is used in selecting a dispatch table that includes at least an instruction implementation method.

The rejection as quoted above failed to cite any teaching of a selection of any table in Granger and instead relied upon mapping macros of Granger. Mapping macros fails to suggest or disclose anything about a table.

Further, there is no teaching that a mapping macro is selected based upon a current value of an instruction counter. Instead, a token in the line of the instruction of Granger is used to select the mapping macro. Accordingly, even if a justification could be made for interpreting mapping macros as a table, the rejection failed to cite any teaching of selecting such a mapping macro based on a current value of an instruction counter and instead relied upon a token selection. Thus, Granger fails for multiple reasons to teach the invention in the same level of detail as recited in each of these claims. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 1, 8, 12, 19, 23, 30, 34, 41, 45 and 48.

Applicant respectfully traverses the anticipation rejection of each of Claims 2, 4 to 6, 9, 11, 13, 15 to 17, 20, 22, 24, 26 to 28, 31, 33, 35, 37 to 39, 42, 44, 46 and 47. Each of these claims distinguishes over Granger at least for the same reasons as the independent claim form which it depends. Applicant respectfully requests

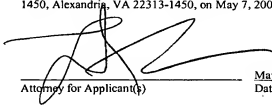
reconsideration and withdrawal of the anticipation rejection of each of Claims 2, 4 to 6, 9, 11, 13, 15 to 17, 20, 22, 24, 26 to 28, 31, 33, 35, 37 to 39, 42, 44, 46 and 47.

Claims 3, 7, 10, 11, 14, 18, 21, 23, 25, 29, 32, 36, 40, and 43 stand rejected under 35 U.S.C. 103(a). Assuming that the combination of references is correct for each of these claims, the additional material relied upon from the secondary reference does not correct the deficiencies of Granger with respect to the independent claims from which these claims depend. Therefore, each of Claims 3, 7, 10, 11, 14, 18, 21, 23, 25, 29, 32, 36, 40, and 43 distinguish over the combination of references for at least the same reasons as the independent claims. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of each of Claims 3, 7, 10, 11, 14, 18, 21, 23, 25, 29, 32, 36, 40, and 43.

Claims 1 to 48 remain in the application. Claims 1 to 4, 7 to 9, 12 to 15, 18 to 20, 23 to 26, 29 to 31, 34 to 37, 40 to 42, 45 and 48 have been amended. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

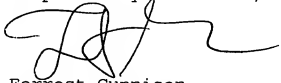
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 7, 2007.


Attorney for Applicant(s)

May 7, 2007
Date of Signature

Respectfully submitted,


Forrest Gunnison
Attorney for Applicant(s)
Reg. No. 32,899
Tel.: (831) 655-0880